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REMARKS

Claims 21-60 were rejected under 35 U.S.C. §102(b) as being anticipated by McDowell (US 5,073,054). The examiner is requested to reconsider this rejection.

McDowell was cited in the parent patent application (now U.S. Patent No. 6,724,892). The claims in the parent patent application were found to be allowable over McDowell. This patent application has the same examiner as the parent patent application. The claims of the present case are so similar to the claims in the parent patent that the examiner required a terminal disclaimer. It is believed that the claims of the present case are patentable over McDowell.

Claim 21 has been amended above to clarify applicants' claimed invention. Claim 21 claims that the radiophone is arranged such that depression of the soft key means is adapted to change a function of the scroll key means. McDowell does not disclose or suggest a scroll key means positioned laterally adjacent to the soft key means. The toggle type switch 48 is disclosed as being positioned laterally adjacent alphabetic keys A-I. There is no disclosure or suggestion that switch 48 is positioned laterally adjacent to the soft key means. There does not appear to be any disclosure of a soft key in McDowell at all. There is no disclosure or suggestion in McDowell of a soft key, much less an arrangement in a radiophone such that depression of a soft key means is adapted to change a function of the switch 48. The features of claim 21 are not disclosed or suggested in the cited art. Therefore, claim 21 is patentable and should be allowed.

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Though dependent claims 22-32 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 21. However, to expedite prosecution at this time, no further comment will be made.

Independent claim 33 has not been amended above. Claim 33 claims that the first and second portions of the scroll key means are arranged to be diagonally offset from one another and which is operable with a thumb of a user by merely pivotally moving the thumb in an arc about a socket of the thumb and without unnatural extension of the thumb. There is no disclosure or suggestion of these claimed features in McDowell. This appears evident from the examiner's allowance of the claims in the parent patent (U.S. Patent No. 6,724,892). Nowhere in McDowell is there a disclosure or suggestion of the switch 48 being operable with a thumb of a user by merely pivotally moving the thumb in an arc about a socket of the thumb and without unnatural extension of the thumb. In applicants' example shown in Fig. 12, for example, this is accomplished by the top key 123 of the key 121 being located diagonally upward and to the right of the bottom key 122 of the key 121 (when the key 121 is on the right side of the handset). This structural arrangement allows the keys 122, 123 to be operable with a thumb of a user by merely pivotally moving the thumb in an arc about a socket of the thumb and without unnatural extension of the thumb. In McDowell, on the other hand, the layout is reversed. Although at the right side of the handset, the switch 48 has the top of the switch 48 to the left of the bottom of the switch; not to the right. This does not provide or suggest the switch 48

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being operable with a thumb of a user by merely pivotally moving the thumb in an arc about a socket of the thumb and without unnatural extension of the thumb. The features of claim 33 are not disclosed or suggested in the cited art. Therefore, claim 33 is patentable and should be allowed.

Though dependent claims 34-42 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 33. However, to expedite prosecution at this time, no further comment will be made.

Independent claim 43 has not been amended above. Claim 43 claims that the radiophone is arranged such that scrolling action is arranged to switch between vertical and horizontal scrolling according to the function of the radiophone selected by the soft key means. McDowell does not disclose or suggest a soft key means. As noted in the application at page 4, last paragraph, a soft key (or operation key) is a key whose function depends on the present state of the telephone. Also, as described in the application, with the invention a function of the scroll key can be changed by depression of the soft key. McDowell does not disclose or suggest an arrangement in a radiophone wherein scrolling action is arranged to switch between vertical and horizontal scrolling according to a function of the radiophone selected by the soft key means. Nowhere in the cited art are the features of claim 43 disclosed or suggested. Therefore, claim 43 is patentable and should be allowed.

Though dependent claims 44-56 contain their own allowable subject matter, these claims should at least be allowable due

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to their dependence from allowable claim 43. However, to expedite prosecution at this time, no further comment will be made.

Independent claim 57 has not been amended above. Claim 57 claims:

that the first and second portions of the scroll key are substantially equidistant from the soft key such that a user holding the radiophone in a hand can depress the first and second portions with a thumb of the hand by merely pivotally moving the thumb in an arc about a socket of the thumb and without unnatural extension of the thumb, and

that the radiophone is arranged such that depression of the first portion of the scroll key actuates a first scrolling action on the display, and depression of the second portion of the scroll key actuates a second scrolling action on the display.

As noted above, McDowell does not disclose or suggest a soft key. Thus, McDowell cannot disclose or suggest that the switch has first and second portions of the scroll key are substantially equidistant from the soft key. Nor does McDowell disclose or suggest an arrangement such that a user holding the radiophone in a hand can depress the first and second portions with a thumb of the hand by merely pivotally moving the thumb in an arc about a socket of the thumb and without unnatural extension of the thumb. Nor does McDowell disclose or suggest a radiophone arranged such that depression of the first portion of the scroll key actuates a first

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scrolling action on the display, and depression of the second portion of the scroll key actuates a second scrolling action on the display. The features of claim 57 are not disclosed or suggested in the cited art. Therefore, claim 57 is patentable and should be allowed.

Though dependent claims 58-60 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 57. However, to expedite prosecution at this time, no further comment will be made.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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